

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08cr3101
)	
v.)	RESTRICTED
)	
DAVID L. WALTERS,)	ORDER ON RULE 35(b) MOTION
)	
Defendant.)	
_____)	

The United States of America now has filed a request for hearing on a Rule 35(b) motion, filing no.54 . To be in a position to assess appropriately the information about the defendant's assistance to the government I need to become aware of the parties' positions a reasonable time before sentencing. Accordingly,

IT IS ORDERED that:

- A. not later than ten days before the sentencing hearing the government shall file and serve its response as a restricted document pursuant to the E-Government Act and include the following information:
1. the significance and usefulness of defendant's assistance;
 2. the truthfulness, completeness and reliability of any information provided by the defendant;
 3. the nature and extent of the defendant's assistance;
 4. any injury suffered, or any danger or risk of injury to the defendant or family of the defendant resulting from the assistance;

5. the timeliness of the defendant's assistance;
 6. the duration of the defendant's assistance; and
 7. other information that may bear on the evaluation of the significance or usefulness of the defendant's assistance;
- B. no later than five days prior to the sentencing hearing the defendant's counsel shall file and serve as a restricted document his or her position regarding items 1 through 7 above.

In addition, each counsel is invited to recommend a level or percentage of reduction in the sentence, together with its rationale, which may include recitation of sentences imposed under similar circumstances by me or other judges in this district or circuit.

- C. the Request for Hearing on Rule 35(b) Motion, filing 54, is granted;
- D. the hearing will be held on October 5, 2010, at 11:30 a.m. in Courtroom 4, U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska;
- E. counsel for the defendant shall on or before September 28, 2010, inform my judicial assistant whether the defendant wishes to be connected by telephone to the hearing. If so, defense counsel shall make arrangements with the facility housing the defendant to have David L. Walters present at a telephone where he can participate at the hearing and provide to my judicial assistant the name of Walter's case agent and the telephone number where Walters can be reached at the time of the hearing.

Dated September 7, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge